

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

SREENIVAS et al.

Serial No.: 10/764,422

Filed: January 23, 2004

Atty. File No. 1604-409-DIV

For: DIELECTRIC MATERIALS WITH
MODIFIED DIELECTRIC
CONSTANTS (As Amended)Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

) Group Art Unit: 2821

)

) Confirmation No.: 8973

)

) Examiner: Chen

)

) TERMINAL DISCLAIMER TO OBVIATE A
) PROVISIONAL DOUBLE PATENTING
) REJECTION OVER A PRIOR PATENT
)RECEIVED
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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE
TRANSMITTED TO THE UNITED STATES PATENT AND
TRADEMARK OFFICE TO (571) 273-8300 ON 11/5/05.

SHERIDAN ROSS P.C.

BY: 

The owner*, Ball Aerospace & Technologies Corp., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,795,020 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant applications and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

Signature

Typed or printed name


Telephone Number

2. ☒ The undersigned is an attorney of record.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: _____


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Date: November 5, 2005

☒ Authorization to charge the terminal disclaimer fee under 37 CFR 1.20(d) to Deposit Account No. 19-1970 is hereby granted.

***Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).**